Mr. Ramsey Clark
c/o The Nation (Please Forward)
72 Fifth Ave.,
New York, NY 10011

Harold Weisberg
7627 Old Receiver Rd.
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Dear Mr. Clark,

Please understand to begin with that this is not written as an accusation but your The Nation editorial that is headed "Shedding Light on Ray" should really have been headed "Shedding Light on the Department of Justice."

I have no reason to believe that you had any part in the plea your Department of Justice negotiated with the infamous Percy Foreman when he was Ray's lawyer but I am confident that those under you persuaded the King family and associates that you had a solid case against Ray when you had none at all. Incredible as it may seem, I do mean quite literally no case at all. It could not even place Ray in Memphis at the time of the crime and it lied, by which I mean it was consciously untruthful, in the affidavit it gave the English court that seemed to identify Ray as having been seen in that flophouse when the alcoholic had already told the FBI and CBS News that Ray was not the man he claimed he had seen.

This may all seem strange to you, perhaps impossible, but please believe me it understates the actualities. I was Ray's investigator beginning in as I now recall 1972. I provided him with the counsel who replaced the right wing nuts he had, I did the investigating for the successful habeas corpus and then for the two weeks of evidentiary hearing in federal district court in Memphis. Contrary to what you write in a case of this sort the Constitutional guarantees are not real. The judge decided against all the evidence. He actually said, having been compelled to by the case I developed and the lawyers presented, that "guilt or innocence were immaterial" to what was before him. When what was before him was whether the plea was coerced, as it was, and whether he had the effective assistance of counsel, when a case that exculpated Ray was presented and survived cross-examination guilt or innocence were not immaterial. That alone proved Ray had not had the effective assistance of counsel.

Counsel who on several other occasions put his clients away, much to the satisfactuon of the Department and/or the FBI because when he was finally caught he did not go to jail.

Please excuse my typing. I'm almost 84 and my health is imparied. It cannot be any better.

Along with the King family and friends you seem to assume Ray's guilt and to believe he can name those with whom he allegedly conspired in the assassination. Thier belief comes from what your associates in the Department of Justice laid on them at the time Ray was to be tried. Your associates knew they had no case at all. They ~~[illegible]~~ on the basis of the King family and associates, alas. I suspect that Vinson and Pollak were most responsible for that.

I filed a FOIA lawsuit against the Department and the FBI, which stalled it for a decade, but nonetheless got many thousands of pages including most of the FBI's HURKIN file. It had no case at all. Period!

I have those records and I have the transcripts of that evidentiary hearing if you want anyone to examine them. (I've written Dexter King without response.)

More, and I'm sure you had no knowledge of it - and that judge ignored this, too - your Department prepared a book for the locals on how to keep Ray "safe" when there was no special danger he faced. Among the instructions to the locals - and we got this from the sheriff's files and entered it into evidence - from your Department was that even Ray's correspondence with his lawyers be intercepted and xeroxed! We actually got some samples of that. When belatedly the FBI learned that Judge Battle had issued an order against that when the John defence had no proof of it, it instructed its Memphis office to accept the information but not to accept additional copies.

Even Ray's letters to the judge were intercepted and copied! We got copies!

Your people told the locals to cover the jail windows that were already barred with heavy steel plates, to keep him under constant lights, to have him on closed-circuit TV, with sound constantly recorded, and for all the time he was jailed he never saw the sun or the moon or knew whether it was night or day.

You refused the FBI permission to tap any Ray family phones. It argued that even if it got caught and the case was lost it was worth that risk and more to be able to locate and arrest Ray (and it had nothing to do with that in any event!) and it ignored you and tapped those phones anyway. It picked me up when I was talking to brother Jerry Ray at the beginning of the arranging for his counsel but by the time those records were processed under FOIA those doing that did not understand what they were disclosing. Jerry's call to me was tapped. And it got me in at least a half-dozen FBI bank-robbery files, impossible as that may seem! I have copies of them! Kidnap a non-existing bank robbery case

I am familiar with the new supposed solution. From my own work I have no confidence in it. I also believe that Ray can make no real identification of those with whom he was then associated. I know he could not to me and I spent days on end with him at Brushy Mountain Jail in the effort. He would not give me the phone

numbers he used to make contact. He said he'd not get out of jail by putting someone else in jail. He had no fear that he would be killed in jail and two of the Brushy Mountain wardens, both of whom extended full courtesies and more to me, told me they read all the mail of all the black prisoners and not one believed Ray was guilty.

As I said to begin with, I am certain you were not party to any of this, but the fact is that when you were the Attorney General your people imposed on the trust of King's family and associates to get them to agree to the plea when without that there was no chance of it being acceptable. And then that was with a lie, that Ray would otherwise be sentenced to death. That did not happen in those days. There was no chance of it had he been convicted and no chance of conviction at all. (They all opposed capital punishment.)

This new jazz about testing the rifle is not all that new. I presented an authentic expert who examined the remnant of bullet recovered from King's body. He then testified that given that remnant and that rifle and being allowed to test fire that rifle he could and would have testified without question that that rifle had or had not fired that bullet. Knowing that it had not, the FBI'd expert, Robert Frazier, executed an affidavit stating falsely there were not enough marks of distinction for any comparison. He FBI testifying, either,

Moreover, if the shooting had been as the FBI alleged the shooter and part of his rifle would have had to have been inside the wall of that flophouse bathroom! Without question true, too!

After you were no longer Attorney General I tried to get in touch with you to ask you to take the case over. I got no response. The King family and associates also did not respond when I tried to reach them.

I'm sorry my typing and writing cannot be any better but I assure you that the foregoing is true, is understated, and that I can document all of it.

Sincerely,

Harold Weisberg

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With senior counsel abroad it fell to junior counsel, who had never been before a jury, and to me to prepare the case. We divided it with him taking the law and I the evidence. With Foreman then the most famous of criminal lawyers I decided that the only way to prove he had not provided effective assistance as counsel was to try the case alleged against Ray and disprove it. That we did. No refutation, no rebuttal, not a single FBI witness! I could do that and Foreman could not?